

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CARNELL HUNNICUTT, SR.,

Plaintiff,

v.

No. CV 20-206 MV/CG

DANIEL PETERS, et al.,

Defendants.

ORDER GRANTING EXTENSION OF TIME

THIS MATTER is before the Court on Plaintiff Carnell Hunnicutt, Sr.'s *Motion for Extension of Time to Respond to Defendants Warren Martinez and K.D. Miller's Motion to Dismiss and Memorandum in Support* (the "Motion"), (Doc. 93), filed December 20, 2021. In the Motion, Mr. Hunnicutt explains that he is being transferred, and requests that his time to respond to four pending motions to dismiss be extended to January 22, 2022. (Doc. 93 at 1). Mr. Hunnicutt has since filed responses to all four motions. See (Doc. 94); (Doc. 95); (Doc. 103); (Doc. 105).

Defendants have declined to submit a Response, and the time for doing so has now passed. See D.N.M.LR-Civ. 7.4(a) ("A response must be served and filed within fourteen (14) calendar days after service of the motion."). Under Local Rule 7.1(b), "[t]he failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion."

IT IS THEREFORE ORDERED that Mr. Hunnicutt's *Motion for Extension of Time to Respond to Defendants Warren Martinez and K.D. Miller's Motion to Dismiss and Memorandum in Support*, (Doc. 93), shall be **GRANTED**.

IT IS FURTHER ORDERED that Mr. Hunnicutt is granted until **January 22, 2022**, to file his response to Defendant Warden Ronald Martinez's *Motion to Dismiss and Memorandum in Support*, (Doc. 84), filed November 29, 2021; his response to Defendant K.D. Miller's *Motion to Dismiss and Memorandum in Support*, (Doc. 85), filed November 29, 2021; his response to Defendant Astrid Castillo's *Motion to Dismiss*, (Doc. 87), filed December 2, 2021; and his response to Defendant Mary Williams' *Motion to Dismiss*, (Doc. 88), filed December 2, 2021. Mr. Hunnicutt's responses to these motions are all therefore deemed timely. See (Doc. 94); (Doc. 95); (Doc. 103); (Doc. 105).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE